

**BILLY J. WILLIAMS, OSB #90136**

United States Attorney

District of Oregon

**KATHLEEN L. BICKERS, OSB #85151**

kathleen.bickers@usdoj.gov

Assistant United States Attorney

United States Attorney's Office

District of Oregon

1000 S.W. Third Ave., Suite 600

Portland, Oregon 97204-2902

Telephone: (503) 727-1060

Attorneys for United States

**UNITED STATES DISTRICT COURT**

**DISTRICT OF OREGON**

**PORTLAND DIVISION**

**UNITED STATES OF AMERICA,**

Civil Case No.: 3:20-cv-00238

Plaintiff,

**COMPLAINT FOR FORECLOSURE**

**v.**

**GEORGE D. KIRAZ, and ALL OTHER  
PERSONS OR PARTIES UNKNOWN  
CLAIMING ANY RIGHT, TITLE, LIEN,  
OR INTEREST IN THE REAL PROPERTY  
COMMONLY KNOWN AS 17544 SE  
STARK ST., PORTLAND, OREGON 97233**

Defendant.

COMES NOW the UNITED STATES OF AMERICA, for its claim for relief against the  
above-named defendant, alleges as follows:

1. This Court has jurisdiction over this civil action pursuant to 28 U.S.C. § 1345, as the United States is plaintiff. Venue is proper pursuant to 28 U.S.C. § 1391, as this action is to foreclose a restitution lien upon real property located in Multnomah County, State of Oregon. This case is brought under 18 U.S.C. § 3613 to enforce the criminal restitution order against defendant.
2. On or about May 27, 2016, Defendant George D. Kiraz was convicted of various income tax crimes in United States v. Kiraz et al, 3:15-cr-00140-JO, USDC (Or). (Kiraz, 15-cr-01470-JO, ECF 108)
3. On or about October 25, 2016, defendant was sentenced to 36 months imprisonment, three years of supervised release, and ordered to pay \$657,243.00 in restitution. (Kiraz, 15-cr-00140-JO, ECF 132).
4. Defendant was ordered to pay monthly restitution installments of not less than \$2,300.00 upon release from the United States Bureau of Prisons. (Kiraz, 15-cr-01470-JO, ECF 132, p. 10,(p.3 of Restitution Order).
5. On November 7, 2016 a Notice of Lien for Fine and/or Restitution Imposed pursuant to the Anti-Terrorism and Effective Death Penalty Act of 1996 was recorded with the Multnomah County Clerk as Document No. 2016-139782, in the name of defendant, for the amount of \$657,643.51. Attached as Exhibit 1.
6. On January 21, 2020, an amended judgment and restitution order was entered by the court in 15-cr-00140-JO. (Kiraz, 15-cr-01470-JO, ECF 213).
7. Defendant is delinquent in payment of the indebtedness pursuant to the restitution order described in paragraphs 3 and 4, and secured by the lien described in paragraph 5.

8. The real property sought for foreclosure is commonly known as 17544 SE Stark St., Portland, Oregon 97233 and legally described as follows:

Commencing at the quarter section corner in the North line of Section 6, Township 1 South, Range 3 East of the Willamette Meridian; thence North 89°55'30" East along the North line of said section, 895.49 feet; thence South 0° 28' East 30 feet to an iron pipe and point of beginning of the tract of land herein described; thence continuing South 0°28' East 220 feet to an iron pipe; thence North 89°55'30" East parallel to the North line of said section, 131 feet to an iron pipe; thence North 0°28' West 220 feet to an iron pipe; thence South 89°55'30" West 131 feet to the point of beginning.

9. The real property sought in paragraph 8 is not the primary residence of defendant. It is a commercial property located on SE Stark Street at 175th Avenue, in the City of Portland, County of Multnomah, Oregon.
10. The interests of defendants in the real property described in paragraph 8 is inferior to the interest held by the United States through the January 21, 2020 restitution order (Kiraz, 15-cr-01470-JO, ECF 213) and lien (Ex. 1).

WHEREFORE, the United States of America requests judgment against defendants as follows:

1. Directing that the lien described in paragraph 5 be foreclosed and the real property be sold by the United States Marshal for the District of Oregon in the manner provided by law; that the parties hereto be allowed to bid at the said foreclosure sale; that the purchaser at said sale shall be issued a Certificate of Sale of Real Property, be immediately let into possession of said property, and be entitled to such remedies as are available at law to secure possession, including a writ of assistance, if defendant, or any

other party or person shall refuse to surrender possession to the purchaser immediately on the purchaser's demand for possession; and that at the termination of the redemption period the Marshal issue his Deed.

2. That proceeds realized from the sale of the real property aforesaid be applied as follows: first, in payment of fees, costs, and expenses of this suit; and second, in payment of the restitution lien granted the United States of America.
3. If the proceeds from the sale of the real property described herein are insufficient to pay restitution in full, the United States of America may immediately enforce the restitution order and lien in full from any other non-exempt assets belonging to Defendant George D. Kiraz.
4. Decreeing that the defendant and any and all persons claiming by, through or under them be forever barred and foreclosed from asserting any right, title, or interest in and to the said real property, except the right of redemption provided by law.
5. For such other and further relief as the Court may deem fit and proper.

DATED this 13th day of February, 2020.

BILLY J. WILLIAMS  
United States Attorney  
District of Oregon

/s Kathleen L. Bickers  
KATHLEEN L. BICKERS  
Assistant United States Attorney  
Attorneys for Plaintiff

Multnomah County Official Records  
R Weldon, Deputy Clerk**2016-139782**

11/07/2016 03:04:01 PM

2R-USATTY L Pgs=1 Stn=24 ATRJG  
\$5.00

\$5.00

**DEPARTMENT OF JUSTICE  
NOTICE OF LIEN FOR FINE AND/OR RESTITUTION  
IMPOSED PURSUANT TO THE ANTI-TERRORISM  
AND EFFECTIVE DEATH PENALTY ACT OF 1996**United States Attorney's Office for  
DISTRICT OF OREGON

Notice is hereby given of lien against the property of the defendant named below. Pursuant to Title 18, United States Code, Section 3613(c), a fine and or restitution imposed pursuant to the provisions of subchapter C of chapter 227 is a lien in favor of the United States upon all property belonging to the person fined or ordered to pay restitution. Pursuant to § 3613(d) a notice of lien shall be considered a notice of lien for taxes for the purposes of any State or local law providing for the filing of a tax lien. The lien arises at the time of the entry of judgment and continues until the liability is satisfied, remitted, or set aside, or until it becomes unenforceable pursuant to § 3613(b).

<b>Name of Defendant</b>	George D. Kiraz
<b>Residence</b>	17917 NE Wasco Road Portland, OR 97230
<b>Amount of Fine/Restitution</b>	\$657,643.51
<b>Court Imposing Judgment</b>	OREGON
<b>Court Number</b>	3:15-CR-00140-JO-2
<b>Date of Judgment</b>	10/25/2016
<b>Rate of Interest</b>	0%

If payment becomes past due, penalties totaling up to 25 percent of the principal amount past due may arise. 18 U.S.C. § 3612(g).

**IMPORTANT RELEASE INFORMATION** -- With respect to the lien listed above, this Notice shall operate as a certificate of release pursuant to 18 U.S.C. § 3613(b).

**Place of Filing:** Multnomah County Recorder, Portland, Oregon

This notice was prepared and signed at US Attorney's Office, 1000 SW Third Ave., Suite 600, Portland, OR 97204 on this 7th day of November, 2016.

  
**KATHLEEN L. BICKERS**  
 Assistant United States Attorney

Please return to: U.S. Attorney's Office /GJB  
 1000 SW Third Avenue, Suite 600  
 Portland, OR 97204-2902  
 (503) 727-1070

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

United States of America

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

United States Attorney's Office  
1000 SW Third Ave., Suite 600  
Portland, OR 97204, T:503-727-1000

**DEFENDANTS**

George D. Kiraz and All Other Persons or Parties Unknown Claiming  
Any Right, Title, Lien, or Interest In The Real Property Commonly  
Known As 17544 SE Stark St., Portland, Oregon 97233

County of Residence of First Listed Defendant Multnomah

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input checked="" type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

18 U.S.C § 3613

Brief description of cause:

Foreclosure of Restitution Lien**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

DATE 02/13/2020 SIGNATURE OF ATTORNEY OF RECORD  
/s Kathleen L. Bickers, OSB # 85151

**FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_